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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DAVID CHAFKAR, an individual

Plaintiff,

vs.

BRACHFELD LAW OFFICE, P.C. a California
professional corporation,

Defendant.

Case No.: 2:12-cv-1101

**REPLY IN SUPPORT OF PLAINTIFF'S
MOTION FOR ATTORNEY'S FEES AND
COSTS**

Plaintiff DAVID CHAFKAR, by and through his counsel of record, THE BOURASSA
LAW GROUP, LLC, hereby submits this Reply in support of his Motion for Attorney's Fees and
Costs as follows:

MEMORANDUM OF POINTS AND AUTHORITIES

I. ARGUMENT.

Defendant contends that Plaintiff's Motion is "concerning" because Plaintiff allegedly
made no effort to meet and confer prior to filing his Motion. Yet, as Exhibit 1 to Defendant's
Opposition clearly reflects, Defendant made its sole offer of settlement on July 12, 2012, and
gave Plaintiff only one hour to discuss the issue further before Defendant's counsel left for a
two week vacation. Clearly, this effort did not offer a reasonable chance for resolution since
Plaintiff's Motion for fees and bill of costs was due to be filed before Defendant's counsel
was to return from his vacation.

Defendant further claims that Plaintiff's counsel's rates and fees are unreasonable, and that Plaintiff's counsel cannot recover for paralegal time. Yet, Defendant cites no authority or evidence in support of any of these propositions. The burden of proof is on the Defendant to present **specific** evidence that the fees sought by Plaintiff are unreasonable. *See, e.g., United States Football League*, 887 F.2d at 413; *Gates v. Deukmejian*, 987 F.2d 1392, 1397-98 (9th Cir. 1992) (fee opponent must submit evidence); and *Brinker v. Giuffrida*, 798 F.2d 661, 668 (3d Cir. 1986) ("[T]here is ordinarily no reason for a court to disregard uncontested affidavits of a fee applicant."). Defendant's subjective belief that Plaintiff's rates or fees are unreasonable is insufficient. Plaintiff has produced an affidavit detailing his fees. Defendant has failed to cite to any authority or to produce any affidavits which contradict it in any way. As such, Plaintiff's request for fees and costs should be granted in its entirety.

II. CONCLUSION.

For all the foregoing reasons, and for all the reasons set forth in Plaintiff's Motion for Attorney's Fees and Costs, Plaintiff respectfully requests that the Court award Plaintiff's attorneys' fees and costs in the amount of \$2,622.50.

Dated this 9th day of August, 2012.

THE BOURASSA LAW GROUP, LLC

/s/ Mark J. Bourassa
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing **PLAINTIFF'S MOTION FOR ATTORNEY'S FEES AND COSTS** was electronically filed this 9th day of August, 2012, and is available for viewing and downloading from the ECF System of the United States District Court for the District of Nevada.

The undersigned further certifies that a true and correct copy of the foregoing document was served by mailing a copy thereof, first class mail, postage prepaid, this 9th day of August 2012 as follows:

Jonathan Birdt, Esq.
The Brachfeld Group, P.C.
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El Segundo, CA 90245
Attorney for Defendant

/S/ KRISTI BOURASSA
An employee of The Bourassa Law Group, LLC